## REMARKS/ARGUMENTS

Applicants gratefully acknowledge the courtesies shown to their representative and Dr. Truyen by the Examiner during the in-person interview that took place on October 16, 2003.

Claims 2-29 remain in this application. Claim 1 has been cancelled, and claims 2, 3, 10, 13, 14, 16, 26 and 27 have been amended.

The Examiner has rejected claims 1-22 and 26-30 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,213,811 to Frisbee et al., in view of United States Patent No. 4,663,318 to Davis.

Specifically, the Examiner states that Frisbee et al. discloses the various elements found in the claims of the present invention, but not the use of galantamine as an active agent. The Examiner has taken the position that it would be obvious, then, to use galantamine in a pharmaceutical preparation such as that disclosed by Frisbee et al. because the Davis patent discloses use of galantamine in solid oral formulations prepared by known methods. The Examiner further states that the burden is now shifted to Applicants to provide evidence as to why the use of galantamine in a controlled-release formulation would not be obvious.

The Examiner has also rejected claims 23-25 under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5,213,811 to Frisbee et al., in view of United States Patent No. 4,663,318 to Davis and further in view of WO 98/22072 to Willson. The Examiner relies on Willson to provide a teaching of individually separated dosage form packaging, and then relies on the same teaching in Frisbee et al. and Davis for the remaining claim elements. Applicants respectfully traverse the Examiner's rejections as applied to the currently-amended claims

In response to the Examiner's earlier request to provide evidence of non-obviousness, Applicants earlier submitted a Declaration Under 37 C.F.R. § 1.132 of Luc Truyen, M.D. Ph.D. ("Truyen Decl."). The Examiner did not find the declaration to be persuasive because it did not specify the formulation used in the comparative studies and that the comparisons made in the studies were to an immediate-release formulation. As explained by Dr. Truyen during the October 16 interview, the formulation in the studies is that of Example 5 of the instant application, and the only prior-art galantamine formulations and alternatives to a controlled-release formulation are immediate release formulations.

As Dr. Truyen's declaration shows, on the basis of several clinical trials, Applicants surprisingly have discovered that use of the instantly claimed galantamine controlled-release ("CR") formulation results in an unexpected reduction in nausea and vomiting as compared to the commercially available immediate-release ("IR") galantamine formulation, and that, in the aggregate, this reduction is not tied to a reduction in the maximum blood plasma concentration as would be expected, but instead, is tied to the rate of rise of blood plasma concentration. Truyen Decl. ¶¶ 6, 13, 14. As noted in the interview, it is the water-insoluble polymer with optional plasticizer that largely determines the rate of rise of blood plasma concentration of galantamine in the presently-claimed invention, and claim 10 reciting this polymer and optional plasticizer is now the broadest independent claim. These unexpected results rebut any *prima facie* case of obviousness, as nausea and dizziness are significant side effects for galantamine. Truyen Decl. ¶ 9. Applicants therefore respectfully request that the Examiner withdraw the outstanding rejections under 35 U.S.C. 103(a).

Conclusion

For all of the reasons above, claims 2 - 29 are believed to be in condition for allowance, early notice of which would be appreciated. The Examiner stated that if she does not agree that all claims are allowable, then she would telephone Applicants' representative to discuss any remaining issues; Applicants gratefully acknowledge this courteous offer.

No fee is believed to be due with this response other than the fee for the Request for Continuing Prosecution. Authorization is hereby given to charge all required fees to Johnson & Johnson Deposit Account No. 10-0750/JAB 1461/MBZ.

Respectfully submitted,

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